



Homestead in the Willows

Homestead Herald

DECEMBER 2024 Volume 48 #12

A Covenant Controlled Community for the Benefit of All
www.homesteadinthewillows.org



HOLIDAY OFFICE CLOSURES

The Business Office will be closed on Wednesday, December 25
and Wednesday January 1, 2025.



ASSOCIATION NEWS

BUSINESS OFFICE HOURS

5896 E. Geddes Ave.

Hours: Monday, Wednesday, Friday
9:00 am — 3:00 pm

Phone: 303-793-0230

Email: businessmgr@homesteadinthewillows.org
Website: www.homesteadinthewillows.org

MANAGERS:

Business Office	Katie Kidwell	303-793-0230
	businessmgr@homesteadinthewillows.org	
Landscape	Nancy Bauer	303-241-6212
Tennis Facilities	Jill Ellsworth	303-808-4513
Pool	Jaylene Jones	303-617-0221
ACC	accmgr@homesteadinthewillows.org	

COMMITTEES:

ACC / Design Review; Covenant Review
Taskforce, Swim Team, Social Committee

All committee meetings are open to residents.
Call the Business Office for dates.



BOARD MEETING MINUTES:

In an effort to provide timely Board information to the Membership, **unofficial minutes** of each Board meeting will be published in the next issue of the Herald.

Official, approved copies of all Minutes will be on file and available at the Business Office.

BOARD OF DIRECTORS:

President	James Keating	720-701-0463
	pres@homesteadinthewillows.org	
VP	Michael Garnsey	303-210-9152
	vp@homesteadinthewillows.org	
Secy	Ginny Karlberg	303-564-6336
	sec@homesteadinthewillows.org	
Treasurer	Steve Bell	303-886-1844
	treas@homesteadinthewillows.org	
Mem at Large	Robb Origer	303-668-0452
	member@homesteadinthewillows.org	

BOARD MEETING

The next regular Board of Directors meeting for community input and manager's reports will be

Monday, January 13, 2025
Business Office, 6:30 pm

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MOVING FROM HOMESTEAD?

If you move from Homestead and retain ownership of your home, it is your responsibility to pay the Homeowners dues.

Remember: Please notify the Business office of your new address. Dues are always due March 1. If you are a **Renter**, you should forward all notices to the Homeowner.

CALL TO REPORT

Waste Connections	303-288-2100
(HOA Trash Co.—Pick-up day is <i>Wednesday</i>)	
www.wasteconnections.com	
Airport Traffic Complaints	303-790-4709
Centennial City Services (24/7)	303-325-8000
Vandalism or Speeders	
Arapahoe County Sheriff's Dept.	303-795-4711
Street Light Problems:	
emailodlighting@xcelenergy.com	
Barking Dogs	
Arapahoe County Animal Control	303-325-8070
Pot Holes	303-325-8000
Hazardous Waste Pick-up	1-800-449-7587
Graffiti	303-795-4711
Water Breaks	303-770-8625
Sewer Back-up's	303-779-0261
Div. of Wildlife -Coyotes	303-291-7227
Noise—Fiddlers Green	303-486-8275



The Homestead Playgroup

- We provide meet-ups for ages 0 - 6
- We connect new families & experienced families
- We explore parks & activities around town
- We are here for you & your young family

Email Ana or Kate at

homesteadplaygroup@gmail.com to sign up or ask questions.

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Homestead Homeowner

Homestead Realtor



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- NOTIFICATION - PRICE INCREASE

THE HOMESTEAD HERALD is published monthly for residents of Homestead in the Willows. A copy is delivered at the end of the month to your residence. A color copy of this publication can be found on the HOA website.

News items or advertisements have to be submitted by, and paid for by the 15th of the month prior to publication to be included.

Email :
businessmgr@homesteadinthewillows.org.



ADVERTISING RATES

Personal Ads (30 words or less)	\$ 20.00
Commercial Ads (30 words or less)	\$ 25.00
Display Ads:	
1/8 page (2 3/4 x 1 3/4")	\$ 48.00
1/4 page (2 3/4 x 3 1/2")	\$ 70.00
1/2 page (6" x 3 1/2")	\$ 115.00
Full Page (6 "x 7 1/2")	\$200.00

JANUARY HERALD DEADLINE IS DECEMBER 15, 2024

All display ads must be high resolution jpeg, png or tif files. Photographs to be used must be half tone. Ad's may be emailed to businessmgr@homesteadinthewillows.org. Include text ads in the body of your email.

Pay for three months at the time you place the ad and you will receive the 4th month free.



SANTA IS COMING TO HOMESTEAD

- Open House to meet Santa
- Professional family photos with Santa
- Enjoy treats, drinks, and neighborhood cheer!

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DECEMBER 14TH 4PM-6PM

Mark Santa off your holiday checklist and
spread some cheer in Homestead with
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CAMBER
REALTY

ARCHITECTURAL CONTROL COMMITTEE (ACC)



The ACC is not familiar with your specific house or property and therefore, photos are **REQUIRED** to be submitted with any application. The ACC cannot review an incomplete application, which ultimately delays an approval.

- o Front of the home: street view so it encompasses the entire front side
- o Back of the home: from further point back in yard so it encompasses the entire back side
- o Sides of home: as much of each side as possible

Please also submit a close up area of what you are requesting to be done (ie – a front door)


- **TRUST THE PROCESS** – we all like what we like. Approvals are not based on personal preferences. The purpose of the ACC is to have some uniformity while still allowing Individuality. The ACC is made up of volunteers who have design and real estate knowledge, and not just those with opinions.

Reminder to **please** provide photos when a project is completed. When an application is submitted, the homeowner has agreed to notify the ACC with photos of completed work. Email photos of completed work to homesteadacc@gmail.com and include your address.


The ACC averages at least 30 applications per month. The majority of these applications are approved as submitted. Less than 5% are denied, either due to the process not being followed correctly or elements that are not approved.

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Shopping Center @ Arapahoe and University.

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HOMEOWNER DUES ASSESSMENTS

Will be mailed the first week of January and will be due on March 1, 2025.

Please contact the Business Office at 303-793-0230 if you do not receive your assessment by mid-January.



OFF LEASH DOGS

Yes, your dog is friendly, or you just want to let him run around in the open space, or you believe you have him under voice command. But for those homeowners with dogs who are afraid of other dogs or homeowners who are afraid of dogs, your off-leash dog can be frightening.

Please be considerate of your neighbor and keep your dog leashed.

REPORTS TO THE ASSOCIATION

When an Association member wishes to report observed problems or any concerns or helpful ideas pertaining to the assigned areas of responsibility of the Architectural Control Committee, Landscape, Pools, or Business Office, please include your name and telephone number when you call and leave a message so that we may return your call.

The Association does not act on anonymous calls.

Christmas Tree Drop-off

Christmas tree recycling is easy and environmentally friendly

South Suburban Parks and Recreation (SSPRD), will offer free Christmas tree recycling daily at two locations from **December 26, 2024 through January 10, 2025**.

The Littleton collection site is open daily and located at [Cornerstone Park, 5150 S. Windermere Street](#) at the corner of W. Belleview Avenue and S. Windermere Street. Follow the signs.

SSPRD will collect trees at its [Willow Spring Service Center, 7100 S. Holly Street](#). Residents can drop off their tree seven days a week from sunrise to sunset at Cornerstone Park or at the Willow Spring Service Center in the designated enclosure by the front gate.

All decorations must be removed from the tree including lights, ornaments, garland, tinsel and stands and plastic bags. Flocked or artificial trees and yard refuse will not be accepted. Most trash and waste removal companies do not accept Christmas trees, so residents are encouraged to take advantage of this free program.





Windows

We stand by our installation and products with a double lifetime warranty on most of our windows and doors.



Siding

No matter fiber cement, engineered wood, vinyl or metal siding, we offer factory direct pricing and flawless execution on installation.



Roofing

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Painting

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Say Hello to Curb Appeal in Homestead

HRTI is proud to be your neighborhood exterior remodeling resource. We are a one-stop-shop for all your exterior home needs. Whether you need a few windows replaced or have been victim of a summer storm and need an exterior makeover, we can help. We're happy to work with the insurance company or HOA too!

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WINTER

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MUSIC
CAROLING
NEIGHBORS
SMORES



DEC 22ND

5PM

NORTH
POOL LOT

HORSE CARRIAGES WILL BE LEAVING EVERY 20 MIN BETWEEN 5PM AND 9PM (RESERVATION REQUIRED). PLEASE JOIN US IN THE NORTH POOL LOT FOR CAROLING, SMORES, AND HOT COCOA EVEN IF YOU DON'T HAVE A CARRIAGE RESERVATION!



PLEASE WELCOME

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\$945,000



SOLD

\$760,000



SOLD

\$570,000

COMMERCIAL



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SOLD

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SOLD

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SOLD

\$465,000



PENDING

\$920,000

THANKS TO MY AMAZING CLIENTS - \$21,787,600 SALES VOLUME IN 2024!



Seeking residents to oversee the FUN

Social Committee needs a person (or two)
to oversee the committee by:

- Event Calendar Management
- Event Budget Supervisor
- HOA Board Liaison
- Event Coordinator Liaison

EVERY event has a 2025 Event Coordinator **except Food Trucks.**
[Thank you to those who have volunteered!](#)

Please email
socialcommitteehomestead@gmail.com
with interest or questions





Homestead Holiday Rides

What: Horse Drawn Carriage Rides

When: 5pm-9pm

Wednesday, December 18th (west)

Sunday, December 22nd (north)

rides leave every 20 minutes as listed on the form

Where: West Pool & North Pool

Cost: \$10 per person (3 & under free)

reservations required



2024 Homestead Holiday Rides
Horse Drawn Carriage Rides Reservation Form

First & Last Name _____

Street Address _____

Phone _____ Email _____

of Tickets(\$10 each) _____ # of Children 0-3 (free) _____

We will combine families to total 14 riders. Rides leave every 20 minutes.

Place numbers **1st, 2nd, & 3rd** next to your preferred **DAY/TIME** choices.

DAY 1 (Wednesday, December 18th) West Pool Lot

5:00	6:00	7:00	8:00
5:20	6:20	7:20	8:20
5:40	6:40	7:40	8:40

DAY 2 (Sunday, December 22nd) North Pool Lot

5:00	6:00	7:00	8:00
5:20	6:20	7:20	8:20
5:40	6:40	7:40	8:40

PLEASE RETURN THIS FORM W/ A CHECK PAYABLE TO: **Homestead HOA**
 DROP @ **HOA office** (5896 E Geddes Ave)
RESERVATIONS WILL NOT BE ACCEPTED BEFORE
SATURDAY, DECEMBER 7th @ 8:00am.

NOTE: RESERVATIONS REQUIRED; NOT ACCEPTED BEFORE 12/07 @ 8AM!

→As you deposit your form & payment, please write your name & drop time on the sign-up to note the order in which it was received.

We will take reservations until the rides are full and try to accommodate as many families as possible. If there is bad weather, you will get an email (& post on HOA social media) of the cancellation & refund process.

****In the event that you cannot make your ride spot, YOU MUST find someone to fill your spot; REFUNDS are UNAVAILABLE.****

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Become a coach for the 2025 season and have a swim-tastic summer!!

We are looking for coaches who will be enthusiastic teachers and role models for our neighborhood swimmers. If you would like to be a coach, submit your application now to be considered for an interview over the holiday break in early January.

Please contact Penni George via email: penni.m.george@gmail.com for more information and to submit your resume. Submission deadline is **December 15, 2024**.

Your 2025 Swim Team Parent Representatives, Penni George, Helen Kaptain, Geniella Lester and Nevienna Manning



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Reminder please complete

Property Address: _____

Owner Name: _____

Owner Email: _____

Owner Cellular Number: _____

Owner 2 Name: _____

Owner 2 Email: _____

Owner 2 Cellular Number: _____

_____ Initial if you are interested in having your contact information published in the Homestead Directory Booklet (excludes email addresses) and give your permission for the above information to be published in a directory distributed to all Homestead Residents. **Your information will not be included if you don't initial.**

Full names of children for the Directory: _____

**GIFTS ARE DUE
DECEMBER 6th!**



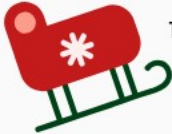
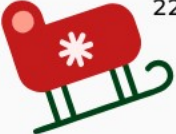
Homestead Elementary
WINTER WISHES

The Winter Wishes program brings holiday joy to children in our community who might otherwise go without. This year, our goal is to fulfill holiday wishes for 50 families. By signing up to purchase a gift, you can help create a memorable holiday for a child in need. Join us and spread the joy!

Sign-Up Today!

SIGN UP TODAY!

NOVEMBER 22ND - DECEMBER 6TH <https://www.homesteadptco.org/community-outreach>

SUN	MON	TUE	WED	TH
1	2 	3  GIVING TUESDAY	4	
8	9	10	11	
15	16	17	18  HOLIDAY CARRIAGE RIDES (WEST)	
22  HOLIDAY CARRIAGE RIDES (NORTH)	23 Winter Break!	24	25 MERRY CHRISTMAS HAPPY HANUKKAH	
29	30	31 Cheers to a New Year		

U	FRI	SAT	WINTER
5	6	 7 CARRIAGE RIDE FORMS DUE	Social Highlights: Holiday Carriage Rides <ul style="list-style-type: none"> • Sign Up forms due: December 7 • December 18 - West Side • December 22 - North Side • Check Herald Ad for info
12	13	14	Join the Social Committee: We need new members! Email if interested: Socialcommitteehomestead@gmail.com
19	 NATIONAL UGLY CHRISTMAS SWEATER DAY		 HOA Office Closures: December 25 & January 1
26	27	28	Homestead Playgroups - join the fun! Contact: homesteadplaygroup@gmail.com Connect with us: Website: Homesteadinthewillows.org Facebook: Homestead in the Willows HOA
			

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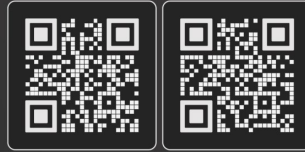


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HOMESTEAD IN THE WILLOWS HOMEOWNERS ASSOCIATION

Regular Board Meeting November 11, 2024 – Unofficial Minutes

THREE TAKEAWAYS:

1. The Social Committee needs chairpersons. If you enjoy the community events in Homestead consider giving of your time to ensure they continue! Look for the ad in the December Homestead Herald or contact the Social Committee at socialcommitteehomestead@gmail.com.
2. The Board of Directors needs one new Member in 2025. Your home may be your largest asset. Be a part of the governing body who influences your home's value!
3. There is no Board of Directors meeting in December. The next regular meeting will be January 13th 2025.

CALL TO ORDER: President, James Keating called the meeting to order at 6:34pm. Present were Vice President, Michael Garnsey; Secretary, Ginny Karlberg, Treasurer, Steve Bell, Business Manager, Katie Kidwell; and Pool Manager Jennifer Thomas. Member at Large, Robb Origer; Landscape Manager, Nancy Bauer; and Social Committee Co-Chair, Olivia Phillips attended the meeting via Zoom.

RATIFICATION OF ACTIONS SUBSEQUENT TO BOARD MEETING: James moved and Ginny seconded a motion to ratify the Boards decision of October 30, 2024 to grant account 030 an extension to pay the 2nd special assessment payment due October 30, 2024. Motion passed unanimously.

COMMITTEE REPORTS:

SWIM TEAM: Olivia Phillips reported for Swim Team that 2 people had applied to be coaches for the 2025 season. The Swim Team is waiting for a final bid to replace the current sound system which was installed in 2014.

SOCIAL COMMITTEE: Olivia reported that the committee has found volunteers to coordinate most events throughout the year but is still looking for volunteers to coordinate summer food truck events and for two volunteers to take over managing the committee so that she and Kelly Kane can step down.

(Continued on page 26)

(Continued from page 25)

MANAGER REPORTS:

POOL: Front Range Recreation Manager Jenn Thomas summarized the 2024 pool closing report and noted that other than purchasing AED's for the South and West pools, FRR recommended putting all available Pool Reserve dollars toward replacing cement decking at either the West or North Pools. The Board reviewed and signed the FRR pool contract for 2025 – 2027.

LANDSCAPE: Manager Nancy Bauer answered questions from the Board about some line items in her budget and reported on cleanup from the winter storm that occurred November 6-9th. The Board reviewed and signed the irrigation contract with Water Ketch for 2025 – 2027.

TENNIS: There was no report.

ACC: The Board discussed a request for accommodation under the Fair Housing Act sent by a homeowner and agreed the Association attorney would respond to the request.

BUSINESS: Katie reported on collections, fence payments, and the receipt of the contact forms with the required information prompted by HB24-1233 & 1337. James Keating agreed to negotiate the new trash collection contract for the Association and Katie would send out a Request for Proposal to five companies on November 13. A homeowner had suggested the HOA provide a storm damage dump site at the pools for homeowners whose trees were damaged by winter storms. The HOA could arrange for a tree service to haul away the branches that homeowners bring to the pool locations. The Board agreed that it would be a helpful service but given the large capital expenses confronting the aging HOA infrastructure, providing a hard to budget service such as storm damage cleanup just wasn't feasible at this time.

FINANCIAL REPORT: Treasurer, Steve Bell, proposed the HOA move its accounting services to a local bookkeeper. The current firm was needed to handle the complicated special assessment financing but now that payments are underway the HOA needs are more straightforward. The Board agreed to move the HOA bookkeeping to AYMILLER Accounting Services. Steve then went through the 2025 proposed budget and dues increase. He noted that Reserve Fund expenditures in 2024 were higher than they had been in 2022 & 2023. James replied that was because prior to the installation of the Perimeter Fence the Boards had purposely deferred work to save more money toward the fence. The largest capital expense for 2025 will be replacing ce-

(Continued on page 27)

(Continued from page 26)

ment decking around the pools. The Board discussed the bids Katie had received and which pool deck most needed replacement. The expected increase in trash collection expenses is the largest component of the projected 2025 budget increase. James moved and Ginny seconded a motion to increase the Perimeter Fence Maintenance Reserve contribution by 10%. The motion passed unanimously. James moved and Steve seconded a motion to increase the Single-Family homeowner dues and trash by 6%. The motion passed unanimously. James moved and Ginny seconded a motion to approve the 2025 budget presented by treasurer Steve Bell. The motion passed unanimously.

HOMEOWNER COMMENTS: A homeowner had submitted a written email regarding the sound level of the music played during swim meets and practices. The Board agreed that loud music at 7:00am was too early. The Board agreed that the Swim Team should review the email and return to the Board with their suggested accommodations to create some parameters that both parties could agree too.

OLD BUSINESS: Steve moved and James seconded a motion to adopt the updated Collection Policy. The motion passed unanimously. James moved and Steve seconded a motion to adopt the revised Xeriscape Policy. The motion passed unanimously.

NEW BUSINESS: A recent incident in the neighborhood prompted some discussion about child abduction safety. Olivia suggested Homestead provide a social media site where homeowners can post about strangers, vehicles or anything that seems “off” in the neighborhood. The Board agreed that Robb Origer would get an estimate to install Flock Safety Cameras at all the entrances to Homestead to track vehicles entering and leaving. The video could be stored in the Cloud unless law enforcement needed to pull it.

James moved and Ginny seconded a motion to renew the Directors and Officers Insurance Policy which renews January 15, 2025. The motion passed unanimously.

ADJOURNMENT AND CALENDARING: The meeting adjourned at 8:20pm. The next regular Board Meeting will be on Monday, January 13 at 6:30pm at the Business Office.



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ACC MINUTES



Reviewed Applications:

·Homeowner submitted a subsequent application to change the color of their shutters from Black to Essex Green. The ACC approved this request as an approved color combination.

·Homeowner applied for an approved-style front door and matching color storm door, that will be factory painted. The ACC did not approve the color combination with those on the home, but suggested another shade to the homeowner to be considered.

Final Inspections:

·Homeowner requested ACC input on new shutters, as they did not look to be the correct size once installed. The ACC's review determined that the brickmold had been replaced when the new siding was installed and is larger than the existing brickmold was, which impacted the size of the shutters. The ACC would like to use this opportunity to remind homeowners to check with their contractors about brickmold replacement when siding the home or replacing windows, as it is not always identified on the application.

General Discussion

·Element Overviews were approved and unanimously voted to make available to the community

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BABYSITTING:

Hi! My name is Lilah Rich. I am 13 years old and would love to help with your children. I am Red Cross certified. I am reliable, trustworthy, and responsible. I love to do art and read.

Please call me at (720) 842-9667

WINDOW WASHING:

Hi, We are Ryker Vancil and Connor Carlson. We wash ground level exterior windows and would love to wash your windows.

Please text (720) 701-1490 for more information.

BABYSITTER:

Hi! I'm Isabella Martini, and I am a Red Cross certified babysitter. I am 16 years old, and I'm going to be a Junior at Creek. I would love to watch you children!

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Holiday Magic Awaits at Centennial's Jingle Jam

Join us for an afternoon of joy, music and holiday cheer at Centennial Center Park—perfect for the whole family!

The City of Centennial warmly invites families and neighbors to kick off the holiday season with an afternoon packed with cheer at [Jingle Jam!](#) This free, family-friendly celebration will be held from 1–4 p.m. on Saturday, December 7 at Centennial Center Park ([13050 E. Peakview Ave.](#)).

Bundle up for a delightful afternoon, where the park will be brimming with holiday spirit! Local school choirs will fill the amphitheater with the sounds of the season, performing timeless holiday favorites that are sure to make hearts merry and bright. Dancers will round out the show with their magical moves.

Along with spirited performances, kids and adults alike can enjoy tasty holiday treats, snap photos with Santa, and bask in the festive décor that will make the day unforgettable. And don't forget your cameras—there will be plenty of photo opportunities to capture joyful memories with Santa himself!

Holiday Show Lineup:

Homestead Elementary
Grandview High School
Isaac Newton Middle School
Peakview Elementary
Walnut Hills Elementary School
Dry Creek Elementary
Amplified Arts

**HOMESTEAD IN THE WILLOWS HOMEOWNERS ASSOCIATION
COLLECTION POLICY**

Adopted November 11, 2024

The following procedures have been adopted by Homestead in the Willows Homeowners Association (the "Association") pursuant to C.R.S. § 38-33.3-209.5, at a regular meeting of the Board of Directors.

Purpose: To establish a uniform and systematic procedure for collecting Assessments and other charges of the Association, thus ensuring the financial well-being of the Association.

Collection Philosophy: All Owners are obligated by the Declaration of Restrictions of Homestead in the Willows Homeowners Association, as may be amended from time to time (the "Declaration") to pay all dues and Assessments in a timely manner. Failure to do so jeopardizes the Association's ability to pay its bills. Failure of Owners to pay Assessments in a timely manner is also unfair to other Owners who do. Accordingly, the Association, acting through the Board of Directors, must take steps to ensure timely payment of Assessments.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following procedures and policies for the collection of Assessments and other charges of the Association:

1. Due Dates:
 - a. Statements for the payment of the annual dues Assessment are mailed to Owners by first-class U.S. mail no later than January 15th in the year such Assessments are due. The annual dues Assessments, as determined by the Association Board, and as allowed for in the Declaration and Colorado law, shall be due and payable no later than March 1st of each year.
 - b. Other special assessments for capital improvements, voted on and approved by the Owners according to the Declaration, shall be due and payable upon receipt of the statement and must be paid no later than forty-five (45) days after the original statement date or they shall be considered past due and delinquent. Statements shall be mailed to Owners at least forty-five (45) days prior to the due date.
 - c. Fines for violations of covenants, policies, and procedures follow the schedule published in the Association's Covenant Enforcement Policy and are due and payable per the terms of that policy.
2. Late Fees and Interest. The Association shall be entitled to impose a late fee of twenty-five dollars (\$25.00) on any Assessment or other charge not paid by the due date. Additionally, any Assessment or other charge not paid by the due date shall bear interest at the rate of eight percent (8%) per year from the due date until paid. Additionally, Assessments or other charges not paid in full within forty-five (45) days of the original due date will incur an additional twenty-five dollars (\$25.00) late charge. If the Assessments and other charges remain unpaid ninety (90) days past the original due date, a third late charge of twenty-five dollars (\$25.00) will be imposed. All such interest and late charges shall be due and payable immediately, without notice, in the manner provided for payment of Assessments.
3. Return Check Charges. A twenty-dollar (\$20.00) fee shall be assessed against an Owner in the event any check or other instrument attributable to or payable for the benefit of such Owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to, insufficient funds. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may

be provided by applicable law. Returned check charges shall be the obligation of the Owner of the property for which payment was tendered to the Association. If two or more of an Owner's checks are returned unpaid by the bank within any twelve (12) month period, the Association may require that all of the Owner's future payments, for a period of one (1) year, be made by certified check or money order.

4. Attorneys' Fees and Collection Costs on Delinquent Accounts. Subject to any limitations imposed by Colorado law, the Association shall be entitled to recover from an Owner its reasonable attorneys' fees and collection costs, including any costs of collection charged by the Association's management company, incurred in the collection of Assessments or other charges due, whether or not a lawsuit has been initiated against the Owner. The Association shall be entitled to recover its post-judgment and appellate attorneys' fees and costs incurred from an Owner.

5. No Offsets. No Owner may be exempt from liability for payment of any Assessment or other charge for any reason, including but not limited to, the abandonment of the property against which the Assessment or charge is made. All Assessments shall be payable in the amounts specified and no offsets or reduction shall be permitted for any reason including, without limitation, any claim that the Association or Board of Directors is not properly exercising its duties and powers under the Declaration.

6. Application of Payments Made to the Association. If an Owner owes both unpaid Assessments and unpaid fines, fees, or other charges and makes a payment to the Association, the Association shall apply the payment first to the Assessments owed and any remaining amount to the fines, fees, or other charges owed. The Association has the discretion to return any payment containing a restrictive endorsement or directing application of payments contrary to this provision.

7. Offer of Repayment Plan. In its Notice of Delinquency, described in section 8, below, and subject to the following requirements and conditions, the Association shall offer a repayment plan to any Owner and make a good faith effort to coordinate a repayment plan with the Owner:

- a. The repayment plan must allow the Owner the right to pay off the delinquency in monthly installments over a period of up to eighteen (18) months;
- b. The Owner may choose the amount to be paid each month of the repayment plan, so long as each payment is in an amount of at least twenty-five dollars (\$25.00) until the balance of the amount owed is less than twenty-five dollars (\$25.00);
- c. An Owner who has entered into a repayment plan may elect to pay the remaining balance owed under the repayment plan at any time during the duration of the repayment plan;
- d. No repayment plan need be offered if the Owner does not occupy the Unit and has acquired the Unit as a result of:
 - i. A default of a security interest encumbering the Unit; or,
 - ii. Foreclosure of the Association's lien;
- e. The Association is not required to offer a repayment plan or negotiate such a plan with an Owner who has previously entered into a payment plan with the Association;

- f. The Owner's failure to remit payment of at least three (3) monthly installments of an agreed-upon installment within fifteen (15) days of the due date, or to remain current with regular Assessments as they come due during the period of the repayment plan, constitutes a failure to comply with the terms of the repayment plan; and,
- g. The Association may pursue legal action against the Owner if the Owner fails to comply with the terms of the repayment plan.

8. Notice of Delinquency. After an installment of an Assessment or other charge owed to the Association becomes delinquent, and before the Association turns the delinquent account over to a collection agency or refers it to the Association's attorney for legal action, the Association shall cause a Notice of Delinquency to be sent to the Owner who is delinquent in payment. The Notice of Delinquency shall specify the following:

- a. a description of the steps the Association must take before it may take legal action against the Owner, including a description of the Association's cure process for covenant violations as specified in its policy governing enforcement;
- b. a description of what legal actions the Association may take against the Owner, including a description of the types of matters the Association or Owner may take to small claims court, including injunctive matters for which the Association seeks an order requiring the Owner to comply with the declaration, bylaws, covenants, or other governing documents of the Association;
- c. the total amount due, with an accounting of how the amount was determined;
- d. whether the total amount due concerns unpaid Assessments; unpaid fines, fees, or charges; or both;
- e. whether the delinquency concerns unpaid Assessments that may lead to foreclosure;
- f. whether an opportunity to enter into a repayment plan exists and the instructions for contacting the Association or its manager to enter into such a repayment plan;
- g. the name and contact information for the person the Owner may contact to request a copy of the Owner's ledger in order to verify the amount owed;
- h. that action is required to cure the delinquency and the specific action required to cure the default; and
- i. that failure to cure the delinquency within thirty (30) days may result in the delinquent account being turned over to a collection agency or the Association's attorney, a lawsuit being filed against the Owner, the filing and foreclosure of a lien against the Owner's Unit, or other remedies available under Colorado law.

The Association may send additional notices to the Owner, either before or after the Notice of Delinquency set forth in this section, for as long as amounts remain past due on the Owner's account. However, the Association is only required to send one (1) Notice of Delinquency as provided for in this section. The Notice of Delinquency shall be sent by certified mail, return receipt requested, and by U.S. regular mail to the property address unless the Owner has given notice, in writing, to the Association of an alternate address. The Association shall also send the Notice of Delinquency by two of the following means:

text message to a cellular number the Association has on file because the Owner or designated contact has provided the number to the Association; by electronic mail to an e-mail address that the Association has on file because the Owner or designated contact has provided the address to the Association; and/or by telephone call (including leaving a voicemail message, if available) to a telephone number the Association has on file because the Owner or designated contact has provided the number to the Association. If known and available to the Association, the Association may consider any phone number or email address used by an owner in any transaction or correspondence related to the owner's property within the Association as contact information provided to the Association. The Association may charge the Owner an amount not to exceed the actual cost of the certified mail.

9. **Balance Letter.** On a monthly basis and by First-Class Mail and e-mail, if the Association has the Owner's e-mail address, the Association shall send each Owner who has any outstanding balance owed to the Association an itemized list of all Assessments, fines, fees, and charges that the Owner owes to the Association ("Balance Letter"). ***If the Association has incurred, or will incur, attorneys' fees and costs that have not yet been billed to the Association and added to the Owner's account, the Balance Letter shall indicate that the outstanding balance may not include all charges that have been or will be incurred and does not constitute a payoff.***

10. **Notices.** Except as otherwise provided herein, any notices shall be mailed to the Owner via regular U.S. mail at the property address unless the Owner has given notice, in writing, to the Association of an alternate address. The Association shall send the Notice of Delinquency, Balance Letter, and all other notices to the Owner in English and in any other language the Owner designates in a writing that the Owner mails to the Association by certified United States mail, return receipt requested. In addition, the Association shall mail the Notice of Delinquency, Balance Letter, and all other notices in English to any contact person the Owner designates in a writing that the Owner mails to the Association by certified United States mail, return receipt requested.

11. **Liens.** If payment in full of any Assessment or other charge is not received by the deadline stated in the Notice of Delinquency, the Association may cause a notice of lien to be filed against the property. The lien shall include Assessments, fees, charges, late charges, attorneys' fees, fines, interest, and other charges pursuant to C.R.S. § 38-33.3-316(1).

12. **Referral of Delinquent Accounts.** After the deadline stated in the Notice of Delinquency has expired, the Association may, but shall not be required to, refer the delinquent account to its attorney or a collection agency for collection. An account may only be referred to an attorney or a collection agency if a majority of the Board of Directors votes to refer the matter in a recorded vote at a meeting conducted pursuant to C.R.S. § 38-33.3-308(4)(e). Upon referral to the attorney, the attorney shall take all appropriate action to collect the accounts referred. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. All payment plans involving accounts referred to an attorney for collection shall be set up and monitored through the attorney. After consultation with the Board of Directors or the Association's managing agent, the attorney shall be entitled to exercise all available remedies to collect the amounts due, including judicial foreclosure and *ex parte* appointment of a receiver of the Owner's property.

13. **Foreclosure of Lien.** Notwithstanding any provision of this policy to the contrary, and subject to any additional requirements imposed by Colorado law, the Association may only foreclose the lien if it has complied with all statutory prerequisites and:

- a. The balance of the Assessments and charges secured by the lien equals or exceeds six (6) months' worth of regular Assessments based on the periodic budget adopted by the Association;

- b. The Board of Directors has formally resolved, by a recorded vote, to authorize the filing of a legal action against the specific Unit on an individual basis; and
- c. The lien does not consist only of fines that the Association has assessed against the Owner, and/or collection costs or attorneys' fees that the Association has incurred and that are only associated with fines.

The Association may commence a legal action and/or an action to initiate a foreclosure proceeding as provided herein against any Owner that fails to accept a repayment plan within thirty (30) days of the Notice of Delinquency. The Association may also commence a legal action and/or an action to initiate a foreclosure proceeding as provided herein against any Owner that accepts a repayment plan and fails to pay at least three (3) of the monthly installments within fifteen (15) days after the monthly installments were due without further notice.

14. Waivers. Nothing in this policy shall require the Association to take specific action(s) other than as set forth herein and to notify Owners of the adoption of this policy. The Association has the option and right to continue to evaluate each delinquency on a case-by-case basis. The Association may grant a waiver of any provision herein upon petition in writing by an Owner showing a personal hardship. Any such relief granted an Owner shall be appropriately documented in the files with the name of the person or persons representing the Association granting the relief and the conditions of the relief. In addition, the Association is hereby authorized to extend the time for the filing of lawsuits and liens, or to otherwise modify the procedures contained herein, as the Association may determine appropriate under the circumstances, except as may be prohibited by Colorado law.

15. Order of Remedies. Subject to the restrictions contained in the "Foreclosure of Lien" section above, the Association may pursue any actions or remedies including, but not limited to, actions for personal judgment, foreclosure, or receivership (on an *ex parte* basis or otherwise and for purposes of collecting the lien balance coming due to the Association both pre-judgment and post-judgment in any judicial proceeding), to collect amounts owed in any order.

16. Definitions. Capitalized terms not defined in this Policy are used as defined in the Declaration, as may have been amended.

17. Severability. If any provision of this policy is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this policy.

19. Superseding Previous Policies. This policy shall replace and supersede any previous rules and regulations or policies of the Association addressing the collection of past due Assessments.



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